

INSTRUCTIONS FOR APPLICATION FOR UTILITIES ACROSS STATE TRUST LANDS

NON-REFUNDABLE \$50.00 APPLICATION FEE REQUIRED

Per §77-1-130, applications for permanent, non-exclusive easements for utility facilities located on state trust lands prior to 1997 will be accepted by the Department of Natural Resources and Conservation (DNRC) until October 1, 2011. Processing of these applications is expected to take some time and the above-referenced statute grants DNRC until October 1, 2016 to do so.

When accepting applications for historic road and utility easements, the following is required:

- An original and one copy of the application form, including a notarized affidavit by the applicant.
- Two copies of the most recent aerial photograph taken by an agency of the United States which clearly shows the location of the facility. The aerial photograph must be labeled with a North arrow, be dated and the flight line data indicated on the photo.
- Two copies of the most recent USGS Quadrangle map with location of the facility and North arrow shown or platted thereon. You may also submit a GPS survey with a statement of the model of unit used and the level of accuracy. Contact should be made with the appropriate DNRC Area Office prior to submittal of an application to determine whether a licensed surveyor's or professional engineer's seal will be required in addition to the information on the GPS unit utilized.
- If more recent aerial photos or quadrangle maps do not depict the utility facility, other documentation which proves existence of the facility prior to 1997 may be provided. Examples of such are:
 - Dated plan and staking sheets;
 - GPS maps generated prior to 1997 with a statement of the model of unit used and the level of accuracy. Contact should be made with the appropriate DNRC Area Office prior to submittal of an application to determine whether a licensed surveyor's or professional engineer's seal will be required in addition to the information on the GPS unit utilized.
- A description of facility type (e.g. distribution or transmission; voltage; fiber optic or other) and commonly used name, if any, of the line.

Compensation for historic facilities will be calculated by multiplying the amount of acreage encumbered by the easement area times the current fair market values of the land crossed or by applying the minimum charge of \$100 per section of state land crossed, whichever is greater.

Minimum widths for easement will be negotiated between the DNRC and applicant.

If crossing multiple sections of state land, you must submit separate applications for each section crossed. Acreage encumbered by the requested easement must be calculated for each section. The applicable maps and/or staking sheets must be attached to each application for the portion of the section crossed by the road.

A permanent easement may only be issued for the existing condition of the facility. If a historic easement is granted, any future expansion of use or upgrade will require amendment of the historic easement under the process outlined in §77-2-101 MCA.

APPLICATION FOR HISTORIC RIGHT OF WAY EASEMENT FOR UTILITIES
UPON STATE TRUST LANDS

(Non-Refundable Application Fee -- \$50.00)

NOTE: Pursuant to 77-1-130, Department review of historic easement requests may continue through October 1, 2016.

To the State Board of Land Commissioners
Montana Department of Natural Resources and Conservation

Application for a non-exclusive easement is hereby made under the provisions of Title 77, Chapter 1, Section 131 of the Montana Code Annotated, by _____ of _____ for a historic right of way located upon the following described state section(s):

Section _____, Township _____, Range _____, County of _____

(Please mark each quarter quarter that the facility passes through on state land)

NW ¹ / ₄ NW ¹ / ₄ _____	NW ¹ / ₄ NE ¹ / ₄ _____	NW ¹ / ₄ SW ¹ / ₄ _____	NW ¹ / ₄ SE ¹ / ₄ _____
NE ¹ / ₄ NW ¹ / ₄ _____	NE ¹ / ₄ NE ¹ / ₄ _____	NE ¹ / ₄ SW ¹ / ₄ _____	NE ¹ / ₄ SE ¹ / ₄ _____
SW ¹ / ₄ NW ¹ / ₄ _____	SW ¹ / ₄ NE ¹ / ₄ _____	SW ¹ / ₄ SW ¹ / ₄ _____	SW ¹ / ₄ SE ¹ / ₄ _____
SE ¹ / ₄ NW ¹ / ₄ _____	SE ¹ / ₄ NE ¹ / ₄ _____	SE ¹ / ₄ SW ¹ / ₄ _____	SE ¹ / ₄ SE ¹ / ₄ _____

Government Lot(s) _____

R/W Width: _____ X R/W Length: _____ ÷ 43560 = _____ acres

Please complete the following:

Electric/Telephone Facilities

Type and method of construction of line: (check all that apply)

☐Transmission ☐Distribution ☐Fiber Optic ☐Overhead ☐Buried

If electric facility, please provide voltage of line: _____

Reason/purpose for facility installation prior to 1997: _____

If applicable, please provide the commonly known name of the line or exchange service area: _____

Pipeline Facilities

Commodity carried through pipeline: (check all that apply)

☐Crude Oil ☐Natural Gas ☐Water ☐Other - Explain: _____

Please provide the diameter of the pipeline used: _____

Reason/purpose for facility installation prior to 1997: _____

Irrigation Facilities Operated by a User’s Association or Canal Company

(May attach separate piece of paper with names and water right numbers)

Documents attached as evidence of the existence of the facility prior to 1997: (check all that apply)

☐ Other – Explain: _____

Address

As authorized signatory for the above, I hereby certify the following:

THAT applicant or its predecessors in interest have used the right of way applied for before 1997 and that the use has continued to the present:

THAT applicant has described above the purpose for which the right of way was used before 1997; and

THAT applicant has provided evidence demonstrating that the historic right of way applied for is the right of way depicted thereon.

Dated this _____ day of _____, 20____.

County of _____)

Known to me to be the person(s) whose name(s) (is) (are) subscribed to the within instrument and acknowledged to me that (he) (she) (they) executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year in this certificate above written.

My Commission Expires: _____